

REMARKS/ ARGUMENTS

As a result of this Amendment, claims 10-19 are under active consideration in the subject patent application.

In the Official Action, the Examiner:

- (1) accept the arguments presented by Applicant in its December 10, 2008 submission, and has withdrawn the prior rejection of the Abstract;
- (2) approved Applicant's Terminal Disclaimer filed December 10, 2008, and has withdrawn the prior double patenting rejection;
- (3) rejected claims 20-21 and 23-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0017929 A1 issued to Bramblet et al. (the Bramblet reference);
- (4) rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over the Bramblet reference as applied to claim 20 and EP 0976879 issued to Kajita et al. (the '879 reference);
- (5) rejected claim 29 under 35 U.S.C. §103(a) as being unpatentable over the Bramblet reference as applied to claim 20 and U.S. Patent No. 5,838,250 issued to Maekawa (the Maekawa reference); and
- (6) identified claims 10-19 as presenting allowable subject matter.

With regard to Items 1 and 2, Applicant acknowledges with appreciation the Examiner's acceptance of Applicant's prior response, withdrawal of the objection to the Abstract, and acceptance of the Terminal Disclaimer.

With regard to Items 3-6, Applicants categorically disagrees with the Examiner's allegation that claims 20-21 and 23-28 are anticipated by U.S. Publication No. 2004/0017929 A1 issued to Bramblet et al., claim 22 is obvious over the Bramblet reference as applied to claim 20 and EP 0976879 issued to Kajita et al., and claim 29 is unpatentable over the Bramblet reference as applied to claim 20 and U.S. Patent No. 5,838,250 issued to Maekawa. However, in an effort to expedite the prosecution of this application, Applicants have canceled claims 1-9 and 20-29, thus rendering the foregoing substantive rejections moot. Applicants acknowledge with appreciation the Examiner's affirmation that claims 10-19 present allowable subject matter.

Applicant's actions in this case are not intended to be an admission of any kind with regard to U.S. Publication No. 2004/0017929, EP 0976879, or U.S. Patent No. 5,838,250, or their bearing upon the patentability of the subject matter presented in this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

In view of the foregoing, Applicants respectfully submit that claims 10-19 are in condition for allowance. Favorable reconsideration is therefore respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at **215-979-1255**.

Respectfully Submitted,

Date: June 10, 2009

/Samuel W. Apicelli/
Samuel W. Apicelli
Registration No. 36,427
Customer No. 08933
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103-4196
Tel: 215-979-1255
swapicelli@duanemorris.com